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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,240	04/24/2001	Mamoru Miyashita	0879-0311P	3496
2292	7590	08/25/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			CHEVALIER, ROBERT	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/840,240

Applicant(s)

MIYASHITA, MAMORU

Examiner

Bob Chevalier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 25-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28 is/are allowed.
- 6) ☒ Claim(s) 1-20 and 25-27 is/are rejected.
- 7) ☒ Claim(s) 21-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukuoka et al.

Fukuoka et al discloses an electronic camera apparatus that shows all the limitations recited in claim 1, including the feature of storing image data captured by an imaging device in a first storage medium (See Fukuoka et al's Figure 1, components 6, and 15), the feature of obtaining compressed audio data from one of the first storage medium and a second storage medium and storing in the first storage medium the obtained compressed audio data when the image data storing device stores the image data in the first storage medium wherein the compressed audio data is directly transferred to the first storage medium without being decompressed prior to being transferred as specified in the present claim 1. (See Fukuoka et al's Figure 1, components 3, and 15, and further see, Fukuoka et al's Figure 2, components 32, 30,

and 35, and Fukuoka et al's page 7, paragraph [0104], where it is shown compressed audio data obtained from a storage medium of a FIFO memory being transferred and stored in the memory card).

With regard to claim 2, the feature of the image data being moving image data as specified thereof is present in Fukuoka et al. (See Fukuoka et al's page 8, paragraph [0122], lines 6-11).

With regard to claim 3, the feature of the two mounting parts to which the first and the second storage media are attached as specified thereof is present in Fukuoka et al. (See Fukuoka et al's FIFO memory and the memory card disclosed thereof).

With regard to claim 4, the feature of the second storage medium being built in the camera as specified thereof is present in Fukuoka et al. (See Fukuoka et al's FIFO memory provided thereof).

With regard to claim 5, the feature of the second storage medium being rewritable storage medium as specified thereof is present Fukuoka et al. (See the FIFO memory shown in Fukuoka et al's Figures 1 and 2).

With regard to claim 6, the feature of reproducing audio recorded in one of the first storage medium and the second storage medium as specified thereof is present in Fukuoka et al. (See the capability of retrieving audio data from the FIFO memory and the memory card shown in Fukuoka et al's Figures 1, and 2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-20, and 25-27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuoka et al in view of Blazek et al.

Blazek et al discloses a camera apparatus that shows substantially the same limitations recited in claims 7, and 13, including the feature of storing in the first storage medium the obtained compressed audio data when the image data storing device stores the image data in the first storage medium wherein the compressed audio data is directly transferred to the first storage medium without being decompressed prior to being transferred as specified in the present claim 1. (See Fukuoka et al's Figure 1, components 3, and 15, and further see, Fukuoka et al's Figure 2, components 32, 30, and 35, and Fukuoka et al's page 7, paragraph [0104], where it is shown compressed audio data obtained from a storage medium of a FIFO memory being transferred and stored in the memory card).

Fukuoka et al fails to specifically disclose the feature of mixing audio data obtained by the audio obtaining device and audio data captured by a microphone when the image data storing device stores image data in the first storage medium and records the mixed audio data in the first storage medium or selectively records in the first storage medium the audio data obtained from the audio data obtaining device or the microphone as specified in the claimed invention.

Blazek et al does disclose a camera which includes the capability of mixing audio data obtained by the audio obtaining device and audio data captured by a microphone

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when the image data storing device stores image data in a first storage medium and records the mixed audio data in the first storage medium or selectively records in the first storage medium the audio data obtained from the audio data obtaining device or the microphone as specified in the claimed invention. (See Blazek et al's column 3, lines 1-6).

It would have been obvious to one skilled in the art to modify the Fukuoka et al's apparatus wherein the audio obtaining means/recording means provided thereof would incorporate the capability of a mixing means and of a microphone means for the purpose of mixing audio data obtained by the audio obtaining device and audio data captured by a microphone when the image data storing device stores image data in a first storage medium and records the mixed audio data in the first storage medium or selectively records in the first storage medium the audio data obtained from the audio data obtaining device or the microphone in the same conventional manner as is shown by Blazek et al. The motivation is to be able to improve the audio information recorded on the medium by providing the voice of the user on said recording medium at any desired time as suggested by Blazek et al.

With regard to claims 8, and 14, the feature of the image data being moving image data as specified thereof is present in Fukuoka et al. (See Fukuoka et al's page 8, paragraph [0122], lines 6-11).

With regard to claims 9, and 15, the feature of the two mounting parts to which the first and the second storage media are attached as specified thereof is present in

Fukuoka et al. (See Fukuoka et al's FIFO memory and the memory card disclosed thereof).

With regard to claims 10, and 16, the feature of the second storage medium being built in the camera as specified thereof is present in Fukuoka et al. (See Fukuoka et al's FIFO memory provided thereof).

With regard to claims 11, and 17, the feature of the second storage medium being rewritable storage medium as specified thereof is present Fukuoka et al. (See the FIFO memory shown in Fukuoka et al's Figures 1 and 2).

With regard to claims 12, and 18, the feature of reproducing audio recorded in one of the first storage medium and the second storage medium as specified thereof is present in Fukuoka et al. (See the capability of retrieving audio data from the FIFO memory and the memory card shown in Fukuoka et al's Figures 1, and 2).

With regard to claims 19-20, the feature of the obtaining audio data from both the first and second recording media as specified thereof is present in the proposed combination indicated above. (See the capability of retrieving audio data from both the FIFO memory and the memory card shown in Fukuoka et al's Figures 1, and 2).

With regard to claims 25-27, it is noted that the proposed combination of Fukuoka et al and Blazek et al indicated above discloses substantially the same limitations recited in the present claims 25-27, including the feature of the second storage medium having audio data provided thereon. (See the above rejection of claims 7 and 13).

The proposed combination of Fukuoka et al and Blazek et al indicated above fails to disclose the feature of the audio data for the second storage medium being provided from a music storage medium as specified in the present claims 25-27.

However, it is noted that the cited reference of Blazek et al does disclose the camera apparatus including the feature of the second storage medium having audio data being provided thereon from a music storage medium as specified in the present claims 25-27. (See Blazek et al's claim 35).

It would have been obvious to one skilled in the art to modify the proposed combination of Fukuoka et al and Blazek et al indicated above wherein the second storage means provided thereof would incorporate the capability of a second storage medium having audio data being provided thereon from a music storage medium in the same conventional manner as is shown by Blazek et al' claim 35. The motivation is to provide background music to the image data at reproduction, thereby making the displaying of the image data more interesting as suggested by Blazek et al.

6. Claims 21-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claim 28 contains allowable subject matter over the prior art of record.

8. The following is a statement of reasons for the indication of allowable subject matter:

The claimed invention is directed to a method of mixing pre-recorded audio data with a captured image in a camera having a single memory slot. The independent claim

identifies the feature of "storing the pre-recorded audio data obtained from a first memory card into an internal memory of the camera; waiting until a second memory card is inserted into the single memory slot; storing an image captured by the camera into the second memory card via the single memory slot; and transferring the pre-recorded audio data from the internal memory of the camera to the second memory card via the single memory slot". The closest prior art, Fukuoka et al discloses a conventional camera apparatus, either singularly or in combination fails to anticipate or render the above underlined limitations obvious.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 571-272-7374. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. Chevalier
August 17, 2005.


ROBERT CHEVALIER
PRIMARY EXAMINER